

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

ELAINE L. CHAO,)
Secretary of Labor,) CASE NO. 6:06-cv-2510 HFF
United States Department of Labor,)
)
Plaintiff,)
)
v.)
)
GLASS MOLDERS PLASTICS UNION,)
AFL-CIO, LOCAL UNION 291,)
SPARTANBURG, SOUTH CAROLINA,)
)
Defendant.)

CONSENT JUDGMENT

The parties hereby stipulate and agree to a settlement of this action as follows:

1. Plaintiff brought this action under Title II of the Labor-Management Reporting and Disclosure Act of 1959 (Act of September 14, 1959, 73 Stat. 519, et seq., 29 U.S.C. §§ 431-441, et seq.) (Hereafter, "the Act") to permanently enjoin the defendant from violating the provisions of sections 201(b) and 207(b) of the Act, 29 U.S.C. §§ 431(b) and 437(b), and the regulations promulgated thereto, 29 C.F.R. §§ 403.2-403.4.

2. Plaintiff alleged in her Complaint that violations of Title II of the Act occurred in connection with defendant's failure to timely file annual financial reports.

3. The parties hereby stipulate and agree that defendant shall be enjoined from violating Title II of the Act for the next two filing periods ending January 31, 2007 and January

31, 2008 and shall file it's LM-3 annual financial reports within the appropriate statutory period in accordance with Title II of the Act (29 U.S.C §§ 431-441 et seq.

4. At the end of the next two filing periods this injunction shall terminate without any further action on the part of the Local or any other party. In the event that the Local does not file its LM-3 within the statutory period in either of the next two filing periods the Plaintiff shall be granted an extension of the injunction for an additional three years. The Defendant shall not oppose any such extension request unless there are unusual and compelling circumstances causing the late filing, in which case Defendant shall have the right to file opposition papers based on those alleged unusual and compelling circumstances.

5. The Defendant enters into the Consent Decree in order to avoid future costs of litigation.

6. Plaintiff shall have complete discretion compliance to determine compliance with Title II of the Act of any annual reports filed by Defendant.

7. The Court shall retain jurisdiction of this action, and after timely completion of the two year filing period the Plaintiff shall certify to the Court the timely filing of the LM-3 forms, and shall certify that such filing is in accordance with Title II of the Act. Upon approval of the Plaintiff the

Court shall dismiss the injunction declaring that such relief is no longer necessary.

8. After the Court has approved the dissolution of the injunction this action shall be dismissed with prejudice.

9. The parties agree that each party shall bear its own fees and other expenses, including attorney's fees, incurred by such party in connection with any stage of this proceeding.

SO ORDERED, ON this 30th day of January, 2007.

s/Henry F. Floyd

HENRY F. FLOYD

UNITED STATES DISTRICT COURT JUDGE

For Plaintiff:

REGINALD I. LLOYD

UNITED STATES ATTORNEY

Dated: January 29, 2007

/s/George J. Conits

GEORGE CONITS

ASSISTANT U.S. ATTORNEY

P.O. Box 10067

Greenville, SC 29603

For Defendant:

Dated:January 29, 2007

/s/Stephen H. Brown,

STEPHEN H. BROWN, ESQ.

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Greenville, SC 29605

Dated: January 29, 2007

/s/Henry Gonzalez

HENRY GONZALEZ

President, Local 291

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